

California Environmental Protection Agency
Enforcement Assessment Survey Results

1. What should be the focus of an enforcement program?		#	%
a.	Achieve compliance; enforce the law	52	34.4
b.	Improve and protect public health and the environment (prevent pollution, reduce emissions, stop illegal activity); find out from research division which pollutants are the worst.	26	17.2
c.	Education and training	12	7.9
d.	Establish priorities based on higher risk by population location, or what they are handling; set priorities (to be revised periodically).	11	7.3
e.	Provide a deterrent; emphasize criminal actions	8	5.3
f.	Address the problem of low-fine levels - need high, stiff penalties	5	3.3
g.	Work together effectively with other agencies or programs, and businesses.	4	2.6
h.	Sense of fairness from the community and opportunity for input; level playing field. Simple to use while protecting due process rights of citizens.	4	2.6
i.	Target willful violators; monitor and permit sites based on their level of compliance	4	2.6
j.	Rule effectiveness studies	3	2.0
k.	Streamline enforcement process, reduce admin.workload/minimize costs	3	2.0
l.	Enforcement follow-up	2	1.3
m.	Increase field presence and inspections	2	1.3
n.	Other	15	9.9
Total		151	

2. How can we improve the efficiency and/or effectiveness of your BDO's enforcement program?		#	%
a.	Increase education, training, staffing and resources	25	16.1
b.	Improve efficiency and consistency in enforcement process (cut red tape, simplify internal reports); streamline and clarify regulations (and statutes if possible); give inspectors greater leeway; increase management support	23	14.8
c.	Improve data management systems; use measures of performance to evaluate the success or failure of our program areas and to redirect our efforts among those areas, share enforcement data between BDOs and local agencies; explore other information technology options	12	7.7
d.	Partner with other entities, establish better relationships with other agencies, and local attorneys; increase interagency cooperation	7	4.5
e.	Issue infraction citations with a ticket book like officers use, work more directly in partnership with AQMD staff.	6	3.9
f.	Have legal counsel available throughout the state, to field offices and locals; more prosecutions by locals; sign a master contract for Administrative Law Judges which state and local programs can use	6	3.9
g.	Improve internal coordination, possibly create newsletter.	5	3.2
h.	Target limited resources to high priority enforcement areas; focus on emission reductions.	4	2.6
i.	Reassess policies and ideas, brainstorm and take a proactive approach; get away from beancounting (not all enforcement cases are equal)	4	2.6
j.	Issue press releases for significant enforcement actions; inform the public	3	1.9
k.	Keep an eye on emerging technologies to make detection easier	3	1.9
l.	Strengthen penalties and apply more criminal charges; increase AG civil penalties	3	1.9
m.	Determine how you measure compliance/performance/community health	3	1.9
n.	Spend more time on negotiations	2	1.3
o.	Identify and establish clear lines of responsibility for enforcement authority	2	1.3
p.	Use public disclosure to stimulate action; post violation information and monitoring data on the internet so the public and government can see action taken or not taken	2	1.3
q.	Have the Cal/EPA name on letterhead, business cards, etc.	2	1.3
r.	SEP's	2	1.3
s.	Make it mandatory that counties issue fines for all the violations they find per individual affected.	2	1.3
t.	Refocus staff on primary goals /enhanced targeting	2	1.3
u.	Focus on unregulated facilities, use the internet, and yellow pages	2	1.3
v.	Address problems with legal staff - attorneys reassigned/ turnaround time	2	1.3
w.	Sponsor and/or endorse leg proposals designed to address gaps in statutory authority; potential legislation is needed to allow ARB more authority to do more when districts aren't.	2	1.3
x.	Less frequent regulatory overview, more flexibility in the laws.	2	1.3
y.	Other	29	18.7
Total		155	

3. Can you identify problem areas? What about solutions?			
3A. Problems		#	%
a.	Lack of resources	16	12.3
b.	Regulatory complexity, and clarity. Often too many regs going at once. Ambiguous narrative standards. (Honest operators don't understand multiple regulations). A greater effort must be made to assure that the conditions set forth in permits and other authorizing documents are unequivocal and consistent with current statutes and regulations.	14	10.8
c.	Lack of credibility, respect and strength	8	6.2
d.	Lack of enforcement at the local level. CUPAs have 6 program areas; hazardous waste is only one of their 6 task areas. Counties are not issuing penalties for many violations found. If an LEA does not take enforcement action, CIWMB is limited to taking independent action in situations of "imminent threat". Work for legislative change for the ability of AQMD staff to issue infractions. SCD should work with the CUPAs to help improve their enforcement programs.	7	5.4
e.	Inadequate training; permit writers need to go on inspection and enforcement activities for additional training	7	5.4
f.	Insufficient communication (inc. multi-lingual)	6	4.6
g.	Legal Issues (bottleneck, inadequate assistance, loopholes)	5	3.8
h.	Stationary source enforcement program is non-existent	5	3.8
i.	Not enough flexibility; determining how many inspections you should conduct.	5	3.8
j.	Too many agencies implementing environmental programs causing fragmentation and inconsistency. Too much competition between people and sections. Roles need to be defined. (ex. If we have contamination do I go to Water Board or DTSC?). Silo effect, media or program specific thinking	5	3.8
k.	Managerial guidance - micro management; not enough support, etc.	5	3.8
l.	Vapor Recovery	4	3.1
m.	Lack of uniformity and consistency	4	3.1
n.	Lack of adequate and current data	3	2.3
o.	Ineffective field staff. A growing number of field positions are unable to go into the field, yet we can't move those individuals into to other positions.	3	2.3
p.	Mandatory penalties are too severe and burden public entities.	3	2.3
q.	Underutilization of staff. There are too many people doing the same programs year after year that don't result in cleaner air. ALJ Contract may not be renewed. Without it, smaller rural counties are not going to go enforcement actions because they don't have the upfront costs.	2	1.5
r.	Extensive appeals; hearing process is too convoluted.	2	1.5
s.	Other	26	20.0
Total		130	

3B.	Solutions	#	%
a.	Cal/EPA needs to take the lead to unify all the BDOs under the umbrella; more leadership and communication; bring silos together; we need Cal/EPA name on our letterhead, business cards, etc. (Ex. Cal/EPA - Water Quality Branch). Share resources. Coordinate efforts with other Cal/EPA enforcement programs	9	13.0
b.	Find a creative way to increase efficiency and effectiveness; prioritize; streamline review process; simplify laws and regs; keep reports nice and short.	8	11.6
c.	Improve information management systems including GIS; improve standards so they are measurable and meaningful; ask how we reduce the excess emissions brought about by non-compliance; as section mgrs. To identify what staff does and how that reduces excess emissions; increase statewide surface and groundwater ambient monitoring programs. Worry about proper threat. We worry about double walled tanks when there are single walled ones out there which are a worse threat.	6	8.7
d.	Add training opportunities	5	7.2
e.	Apply the CUPA model to solid waste; LEAs should be overtaken by the state agencies. Get CUPA more involved.	3	4.3
f.	Reduce the number of cold cases generated	2	2.9
g.	No new programs	2	2.9
h.	Redirect resources and funding from other areas; more field enforcement.	2	2.9
i.	Other	32	46.4
Total		69	

4.	How can we go about identifying and developing new programs?	#	%
a.	Streamline and fix existing programs before adding new ones; new programs mean new regulations; look at what works in other programs; look at regs in development, and make sure they are enforceable.	18	21.2
b.	Have more task forces and working groups and ensure management supports them; more cross-media efforts; utilize existing staff; have joint inspections	10	11.8
c.	Brainstorm at staff level, management level and enforcement roundtables; look at history, trends, and legislation - look through blue book and see what we aren't enforcing; share successes and support for implementing new tools; look for best management practices to follow	7	8.2
d.	Communicate with people through efforts like the enforcement assessment to identify problem areas and areas of improvement; surveys.	5	5.9
e.	Consider contracting out fee and bill collections	2	2.4
f.	Focus on night and weekend inspections and complaints	2	2.4
g.	Forum for submitting new ideas - Coffee with EO	2	2.4
h.	Get compliance rates and the set goals using problem solving scheme; seek out non-compliance.	2	2.4
i.	Other	37	43.5
Total		85	

5. How do you measure the success of an enforcement program?		#	%
a.	Increase in compliance (reduction in number and severity of violations). Is there an end to the problem?	37	37.0
b.	Status of the environment (less pollution, cleaner water, etc.); improvements in monitoring data. Is the enforcement program meeting the goal of the law or regulation?	13	13.0
c.	Number and size of spills/discharges/releases	4	4.0
d.	Number of inquiries related to improper handling or disposal of hazardous waste.	4	4.0
e.	Number of inspections conducted	3	3.0
f.	Amount of Penalties	2	2.0
g.	Success in formal enforcement cases.	3	3.0
h.	Look at activities and results	3	3.0
i.	Number of deaths related to improper handling or disposal of hazardous waste.	3	3.0
j.	Number and severity of illnesses related to exposure.	2	2.0
k.	A prevailing sense of fairness.	2	2.0
l.	Data analysis for investigation priorities	2	2.0
m.	Groundwater, surface water, and air monitoring of hazardous materials to determine if these substances are present, and trends in their concentration over time.	2	2.0
n.	Use a good complaint system for the public and regulated community; track complaints over time	2	2.0
o.	Other	18	18.0
Total		100	

6. Is there an area that has not been addressed by this interview that should be?		
	#	%
a. Communication, publicize our success. What is the enforcement philosophy from agency? Is this message being projected throughout the BDOs? Recognize the value of cross media cooperation	7	9.5
b. Re-organization may be necessary; consolidate options of the Water Board, DTSC, Fire Marshal and OES related to the CUPA program elements under Cal/EPA; consolidate state agencies to have less overlap.	5	6.8
c. Data management; companies compliance records should be available through the internet. We need to increase innovation and take advantage of new technology and information; develop a robust adaptive management system where information is collected, compiled, evaluated and used for setting new policy and priorities and then is continually monitored, evaluated and updated based on new information.	5	6.8
d. Do not use enforcement as a means to generate revenues, I.e. a quota system	4	5.4
e. A plan is needed to maintain oversight presence out in the field; enforcement presence is inadequate	3	4.1
f. Designate a few employees to pursue enforcement. The individuals will be oriented towards the enforcement aspects of the inspection process. Have a few employees designated to pursue formal enforcement. Employees should be trained in proper enforcement skills	3	4.1
g. Reward compliant facilities	2	2.7
h. Air cases are under-enforced because the air district goes administratively to get penalties to fund their agency	2	2.7
i. Locals (LEAs and CUPAs) may have a conflict of interest at the local level; allow locals to defer compliance to the State without threat of de-certification	2	2.7
j. Cal/EPA, at agency level, should take over some cases; there is room for improvement for the environmental cases, if Cal/EPA would encourage more statewide prosecutions.	2	2.7
k. We need a system with checks and balances on local decisions not to take enforcement actions.	39	52.7
Total		74